

# HOUSE BILL 737

A2

EMERGENCY BILL  
**ENROLLED BILL**

(2lr2818)

— *Economic Matters/Education, Health, and Environmental Affairs* —

Introduced by **Chair, Baltimore County Delegation (By Request – Baltimore County Administration)**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Baltimore County – Alcoholic Beverages Licenses**

3 FOR the purpose of altering certain minimum percentages of average daily receipts  
4 from the sale of food that restaurants must maintain for a certain purpose;  
5 prohibiting the Baltimore County Board of Liquor License Commissioners from  
6 authorizing the transfer of more than a certain total of certain licenses in  
7 existence on a certain date out of a certain election district; authorizing the  
8 ~~Baltimore County Board of Liquor License Commissioners~~ to approve the  
9 transfer of certain alcoholic beverages licenses in existence in a certain election  
10 district on a certain date to certain election districts based on a certain rule;  
11 establishing ~~a certain limit~~ certain limits on the number of licenses that may be  
12 transferred into a single election district during ~~a certain period~~ certain periods;  
13 ~~establishing a certain limit on the number of licenses that may be transferred~~  
14 ~~into a single election district;~~ requiring the Board to create and issue a certain

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics* indicate opposite chamber/conference committee amendments.



1 number of Class B Service Bar (SB) beer and wine licenses during certain time  
 2 periods under certain circumstances; requiring a Class B Service Bar (SB) beer  
 3 and wine license to comply with certain provisions of law relating to the  
 4 operation of restaurants; establishing a certain fee; requiring the conversion of a  
 5 Class D license to a Class B license that is transferred from a certain election  
 6 district to any other election district and prohibiting its transfer or conversion to  
 7 another class of license; prohibiting the transfer from a licensed premises or  
 8 conversion to another class of license of any new license issued by the Board  
 9 based on a certain increase in population; requiring the issuance of a license for  
 10 a partnership to be issued to at least two general partners, at least one of whom  
 11 is a registered voter of any county or Baltimore City and resides in the county or  
 12 Baltimore City at the time of application; requiring the Board to issue a license  
 13 to only one partner of a partnership as an individual under certain  
 14 circumstances; altering the maximum number of certain licenses an individual  
 15 or a sole proprietorship, partnership, corporation, unincorporated association, or  
 16 limited liability company may obtain a certain interest in; repealing certain  
 17 provisions of law relating to minimum seating capacity for dining ~~and~~; altering  
 18 the maximum seating capacity for a certain cocktail lounge or bar; altering a  
 19 maximum percentage of sales in alcoholic beverages; altering a certain  
 20 residency requirement for certain license applicants to require residency in the  
 21 State for a certain period of time; repealing a certain provision of law requiring  
 22 that a certain certificate be signed by a certain number of citizens regarding the  
 23 length of time each has been acquainted with a certain applicant; requiring the  
 24 Board to allow a certain reduction of certain square footage requirements  
 25 applicable to certain buildings under a certain rule; requiring the County  
 26 Executive for Baltimore County to appoint a certain task force to study certain  
 27 issues relating to the distribution of alcoholic beverages licenses in Baltimore  
 28 County; providing for the construction of certain provisions of this Act;  
 29 providing for the application of certain provisions of this Act; making this Act  
 30 an emergency measure; and generally relating to the transfer and issuance of  
 31 alcoholic beverages licenses in Baltimore County.

32 BY adding to  
 33 Article 2B – Alcoholic Beverages  
 34 Section ~~8–204.7 and~~ 8–204.8, and 8–204.9  
 35 Annotated Code of Maryland  
 36 (2011 Replacement Volume)

37 BY repealing and reenacting, with amendments,  
 38 Article 2B – Alcoholic Beverages  
 39 Section ~~8–204.3(d)(1), (2), and (3)~~ 8–204.3(d)(3) and (e), 8–204.4(d), 8–204.5(d),  
 40 9–101(a)(1), 9–102(b–3B)(1) and (2) and (b–3C)(1), and 10–103(b)(4) and  
 41 (18)  
 42 Annotated Code of Maryland  
 43 (2011 Replacement Volume)

44 BY repealing and reenacting, without amendments,

1 Article 2B – Alcoholic Beverages  
 2 Section 8–204.3(d)(1) and (2)  
 3 Annotated Code of Maryland  
 4 (2011 Replacement Volume)

5 BY repealing  
 6 Article 2B – Alcoholic Beverages  
 7 Section 10–104(e)  
 8 Annotated Code of Maryland  
 9 (2011 Replacement Volume)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 11 MARYLAND, That the Laws of Maryland read as follows:

12 **Article 2B – Alcoholic Beverages**

13 8–204.3.

14 (d) (1) The Class B (B, W, L) (TCRD) licenses may be issued only for a  
 15 location within the Towson Commercial Revitalization District, as defined by the  
 16 Baltimore County Council.

17 (2) The license shall be used in conjunction with the operation of a  
 18 restaurant, as defined in this article and in the regulations of the Board of Liquor  
 19 License Commissioners.

20 (3) [Except as provided in subsection (e)(2)(ii) of this section, the] THE  
 21 restaurant operation shall maintain average daily receipts from the sale of food at  
 22 least [65%] 60% of the total daily receipts of the restaurant.

23 (e) Of the restaurants for which a Class B or Class D license may be  
 24 transferred and a Class B (B, W, L) (TCRD) may be issued under subsection (b)(1) of  
 25 this section, the Board of Liquor License Commissioners may require that:

26 (1) For not more than seven restaurants, applicants for license  
 27 transfer and issuance demonstrate a minimum capital investment, excluding the costs  
 28 of the land and building shell, of \$500,000; and

29 (2) For not more than three restaurants:

30 (i) Applicants for license transfer and issuance demonstrate a  
 31 capital investment, excluding the costs of the land and building shell, of not less than  
 32 \$50,000 or more than \$400,000; AND

33 (ii) [The restaurant operation maintain average daily receipts  
 34 from the sale of food of at least 70% of the total daily receipts of the restaurant; and

1                    (iii)] The area dedicated to the restaurant operation have:

2                    1. A maximum seating capacity of 100 persons, with the  
3 seating capacity in the bar area not exceeding [15%] 25% of the total seating capacity  
4 of the restaurant; and

5                    2. A minimum seating capacity of 40 persons.

6 8-204.4.

7                    (d) The following additional requirements apply to the Class B (HV)  
8 restaurant (on-sale) beer, wine and liquor retail license established by this section:

9                    (1) The license may be issued only for a location within the “Hunt  
10 Valley Commercial/Mixed Use Focal Point” as designated in the Hunt  
11 Valley/Timonium Master Plan, adopted by the Baltimore County Council on October  
12 19, 1998;

13                    (2) The license shall be used in conjunction with the operation of a  
14 restaurant, as defined in this article and the regulations of the Board of License  
15 Commissioners;

16                    (3) The restaurant operation shall maintain average daily receipts  
17 from the sale of the food of at least [70%] 60% of the total daily receipts of the  
18 establishment;

19                    (4) The total seating capacity for the area dedicated primarily for the  
20 purpose of the consumption of alcoholic beverages may not exceed 25% of the total  
21 seating capacity of the establishment; and

22                    (5) Subject to the provisions of subsection (h) of this section, the hours  
23 during which the privileges conferred by the license may be exercised may not exceed  
24 the hours for which food is offered for sale.

25 8-204.5.

26                    (d) The following additional requirements apply to a Class B (QG), (MCOM),  
27 or (PC) restaurant (on-sale) beer, wine and liquor retail license established by this  
28 section:

29                    (1) The license may be issued only for a location within the geographic  
30 areas identified in subsection (b)(1) of this section;

1           (2) The license shall be used in conjunction with the operation of a  
2 restaurant, as defined in this article and the regulations of the Board of License  
3 Commissioners;

4           (3) The restaurant operation shall maintain average daily receipts  
5 from the sale of the food of at least [70%] 60% of the total daily receipts of the  
6 establishment;

7           (4) The total seating capacity for the area dedicated primarily for the  
8 purpose of the consumption of alcoholic beverages may not exceed 25% of the total  
9 seating capacity of the establishment; and

10           (5) Subject to the provisions of subsection (h) of this section, the hours  
11 during which the privileges conferred by the license may be exercised may not exceed  
12 the hours for which food is offered for sale.

13 **8-204.7.**

14           **(A) THIS SECTION APPLIES ONLY IN BALTIMORE COUNTY.**

15           **(B) THE BOARD OF LIQUOR LICENSE COMMISSIONERS MAY NOT**  
16 **AUTHORIZE THE TRANSFER OF MORE THAN A TOTAL OF 25 CLASS B OR CLASS**  
17 **D LICENSES IN EXISTENCE ON MAY 1, 2012, OUT OF ELECTION DISTRICT 15.**

18 **8-204.8.**

19           **(A) THIS SECTION APPLIES ONLY IN BALTIMORE COUNTY.**

20           **(B) (1) SUBJECT TO § 8-204.7 OF THIS SUBTITLE AND PARAGRAPH**  
21 **(2) OF THIS SUBSECTION, FROM MAY 1, 2012, TO APRIL 30, 2017, BOTH**  
22 **INCLUSIVE, THE BOARD OF LIQUOR LICENSE COMMISSIONERS MAY AUTHORIZE**  
23 **THE TRANSFER OF A CLASS B OR CLASS D LICENSE IN EXISTENCE IN ELECTION**  
24 **DISTRICT 15 ON MAY 1, 2012, TO AN ELECTION DISTRICT IN WHICH THE**  
25 **NUMBER OF LICENSES IN EXISTENCE, ON THE DATE OF APPROVAL OF THE**  
26 **TRANSFER, IS NOT GREATER THAN 25% MORE THAN THE NUMBER OF LICENSES**  
27 **THAT WOULD OTHERWISE EXIST IN THAT ELECTION DISTRICT, BASED ON THE**  
28 **RULE OF THE BOARD OF LIQUOR LICENSE COMMISSIONERS THAT LIMITS THE**  
29 **TOTAL NUMBER OF LICENSES AVAILABLE IN AN ELECTION DISTRICT BY**  
30 **POPULATION.**

31           **(2) NOT MORE THAN TWO LICENSES MAY BE TRANSFERRED**  
32 **UNDER THIS SUBSECTION INTO ANY SINGLE ELECTION DISTRICT EACH YEAR**  
33 **FROM MAY 1, 2012, TO APRIL 30, 2017, BOTH INCLUSIVE.**

~~(C) IF FEWER THAN FIVE CLASS B OR CLASS D LICENSES TRANSFER FROM ELECTION DISTRICT 15 TO ANOTHER ELECTION DISTRICT WITHIN ANY 1 YEAR FROM MAY 1 TO APRIL 30, BOTH INCLUSIVE, OF THE FOLLOWING YEAR, DURING THE PERIOD FROM MAY 1, 2012, THROUGH APRIL 30, 2017, UNDER ANY APPLICABLE SECTION OF LAW OR THE RULES OF THE BOARD OF LICENSE COMMISSIONERS, THE BOARD OF LICENSE COMMISSIONERS SHALL CREATE AND ISSUE A NEW CLASS B SERVICE BAR (SB) BEER AND WINE LICENSE TO ACHIEVE A REQUIREMENT OF NOT FEWER THAN FIVE NEW LICENSES EACH YEAR AS FOLLOWS:~~

~~(1) BY APRIL 30, 2013, 5 LICENSES SHALL HAVE TRANSFERRED OR BEEN CREATED;~~

~~(2) BY APRIL 30, 2014, 10 LICENSES SHALL HAVE TRANSFERRED OR BEEN CREATED;~~

~~(3) BY APRIL 30, 2015, 15 LICENSES SHALL HAVE TRANSFERRED OR BEEN CREATED;~~

~~(4) BY APRIL 30, 2016, 20 LICENSES SHALL HAVE TRANSFERRED OR BEEN CREATED; AND~~

~~(5) BY APRIL 30, 2017, 25 LICENSES SHALL HAVE TRANSFERRED OR BEEN CREATED WITH THE LAST CLASS B SERVICE BAR (SB) BEER AND WINE LICENSE REQUIRED TO HAVE BEEN CREATED ON OR BEFORE MAY 1, 2018.~~

(C) (1) IN ACCORDANCE WITH THIS SUBSECTION, THE BOARD OF LIQUOR LICENSE COMMISSIONERS SHALL:

(I) APPROVE THE TRANSFER OF CLASS B OR CLASS D LICENSES FROM ELECTION DISTRICT 15 TO ANY OTHER ELECTION DISTRICT IN THE COUNTY; OR

(II) ISSUE NEW CLASS B SERVICE BAR (SB) LICENSES UNDER SUBSECTION (D) OF THIS SECTION.

(2) ON OR BEFORE APRIL 30, 2013, THE BOARD SHALL:

(I) APPROVE THE TRANSFER OF FIVE CLASS B OR CLASS D LICENSES; OR

(II) IF FIVE LICENSES ARE NOT TRANSFERRED, ISSUE NEW CLASS B SERVICE BAR (SB) LICENSES SO THAT THE NUMBER OF LICENSES TRANSFERRED OR ISSUED SINCE MAY 1, 2012, TOTALS FIVE.

1           **(3) ON OR BEFORE APRIL 30, 2014, THE BOARD SHALL:**

2                   **(I) APPROVE THE TRANSFER OF CLASS B OR CLASS D**  
3 **LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR**  
4 **ISSUED UNDER THIS SUBSECTION SINCE MAY 1, 2012, TOTALS AT LEAST 10; OR**

5                   **(II) IF THE NUMBER OF LICENSES TRANSFERRED UNDER**  
6 **ITEM (I) OF THIS PARAGRAPH IS NOT SUFFICIENT, ISSUE NEW CLASS B SERVICE**  
7 **BAR (SB) LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES**  
8 **TRANSFERRED OR ISSUED UNDER THIS SUBSECTION SINCE MAY 1, 2012,**  
9 **EQUALS 10.**

10           **(4) ON OR BEFORE APRIL 30, 2015, THE BOARD SHALL:**

11                   **(I) APPROVE THE TRANSFER OF CLASS B OR CLASS D**  
12 **LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR**  
13 **ISSUED UNDER THIS SUBSECTION SINCE MAY 1, 2012, TOTALS AT LEAST 15; OR**

14                   **(II) IF THE NUMBER OF LICENSES TRANSFERRED UNDER**  
15 **ITEM (I) OF THIS PARAGRAPH IS NOT SUFFICIENT, ISSUE NEW CLASS B SERVICE**  
16 **BAR (SB) LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES**  
17 **TRANSFERRED OR ISSUED UNDER THIS SUBSECTION SINCE MAY 1, 2012,**  
18 **EQUALS 15.**

19           **(5) ON OR BEFORE APRIL 30, 2016, THE BOARD SHALL:**

20                   **(I) APPROVE THE TRANSFER OF CLASS B OR CLASS D**  
21 **LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR**  
22 **ISSUED UNDER THIS SUBSECTION SINCE MAY 1, 2012, TOTALS AT LEAST 20; OR**

23                   **(II) IF THE NUMBER OF LICENSES TRANSFERRED UNDER**  
24 **ITEM (I) OF THIS PARAGRAPH IS NOT SUFFICIENT, ISSUE NEW CLASS B SERVICE**  
25 **BAR (SB) LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES**  
26 **TRANSFERRED OR ISSUED UNDER THIS SUBSECTION SINCE MAY 1, 2012,**  
27 **EQUALS 20.**

28           **(6) ON OR BEFORE APRIL 30, 2017, THE BOARD SHALL:**

29                   **(I) APPROVE THE TRANSFER OF CLASS B OR CLASS D**  
30 **LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES ISSUED OR**  
31 **TRANSFERRED UNDER THIS SUBSECTION SINCE MAY 1, 2012, TOTALS AT LEAST**  
32 **25; OR**

1                    (II) IF THE NUMBER OF LICENSES TRANSFERRED UNDER  
2 ITEM (I) OF THIS PARAGRAPH IS NOT SUFFICIENT, ISSUE NEW CLASS B SERVICE  
3 BAR (SB) LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES ISSUED  
4 OR TRANSFERRED UNDER THIS SUBSECTION SINCE MAY 1, 2012, EQUALS 25.

5                    (7) IN ANY YEAR, IF THE BOARD APPROVES THE TRANSFER OF  
6 MORE CLASS B OR CLASS D LICENSES THAN ARE NEEDED TO MEET THE  
7 MINIMUM TOTAL REQUIRED FOR THAT YEAR, THE EXCESS WILL BE COUNTED  
8 AGAINST THE MINIMUM TOTAL REQUIRED FOR THE NEXT YEAR.

9                    (8) THE DATE A LICENSE IS TRANSFERRED UNDER THIS  
10 SUBSECTION IS THE DATE OF FINAL, NONAPPEALABLE APPROVAL OF THE  
11 APPLICATION FOR A NEW LICENSE OR FOR LICENSE TRANSFER BY THE BOARD  
12 OF LIQUOR LICENSE COMMISSIONERS.

13                    (D) (1) A CLASS B SERVICE BAR (SB) BEER AND WINE LICENSE MAY  
14 BE ISSUED UNDER THIS SECTION SHALL COMPLY WITH PARAGRAPHS (2)  
15 THROUGH (6) OF ONLY IN COMPLIANCE WITH THIS SUBSECTION.

16                    (2) THE A CLASS B SERVICE BAR (SB) LICENSE MAY BE USED  
17 ONLY WITH IN THE OPERATION OF A RESTAURANT, AS DEFINED BY THE BOARD  
18 OF LIQUOR LICENSE COMMISSIONERS AND THIS ARTICLE, THAT MAINTAINS  
19 AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD OF AT LEAST 60% OF THE  
20 TOTAL DAILY RECEIPTS OF THE ESTABLISHMENT.

21                    (3) THE A CLASS B SERVICE BAR (SB) LICENSE SHALL ALLOW  
22 ON-PREMISES SALES OF BEER AND WINE ONLY.

23                    (4) A CLASS B SERVICE BAR (SB) LICENSE ALLOWS ALCOHOLIC  
24 BEVERAGES TO BE SERVED TO PATRONS ONLY AS PART OF A MEAL.

25                    ~~(4) (5)~~            (1) THE A CLASS B SERVICE BAR (SB) LICENSE  
26 SHALL BE RESTRICTED TO RESTAURANTS THAT HAVE TABLE SERVICE,  
27 EXCLUDING ANY TYPE OF SERVICE PROVIDED TO A CUSTOMER WHO IS  
28 STANDING OR ACCEPTING DELIVERY OF THE PURCHASED FOOD ITEMS OTHER  
29 THAN WHILE SEATED AT A TABLE.

30                    (II) A CLASS B SERVICE BAR (SB) LICENSE DOES NOT  
31 ALLOW SERVICE TO A CUSTOMER WHO IS STANDING OR ACCEPTING DELIVERY  
32 OF PURCHASED FOOD OR BEVERAGE ITEMS OTHER THAN WHILE SEATED AT A  
33 TABLE.

34                    ~~(5) (6)~~            (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF  
35 THIS PARAGRAPH, THE PROPOSED LOCATION OF THE RESTAURANT FOR WHICH

1 A CLASS B SERVICE BAR (SB) LICENSE IS SOUGHT SHALL COMPLY WITH THE  
2 ZONING ORDINANCES OF BALTIMORE COUNTY, INCLUDING ALLOWING SEATING  
3 FOR NOT FEWER THAN 30 CUSTOMERS AND NOT MORE THAN 100 CUSTOMERS.

4 (II) THE LICENSE MAY NOT BE USED IN CONJUNCTION WITH  
5 THE VIEWING OF TELEVISED SPORTING EVENTS OR THE USE OF LIVE BANDS,  
6 DISC JOCKEYS, KARAOKE, OR ANY OTHER FORM OF LIVE ENTERTAINMENT.

7 ~~(6)~~ (7) A CLASS B OR D LICENSE TRANSFERRED UNDER  
8 SUBSECTION (B) OF HIS THIS SECTION OR ISSUED UNDER SUBSECTION (C) OF  
9 THIS SECTION AND A CLASS B SERVICE BAR (SB) LICENSE ISSUED UNDER THIS  
10 SUBSECTION MAY NOT THEREAFTER BE TRANSFERRED FROM THE LICENSED  
11 PREMISES OR CONVERTED TO ANOTHER CLASS OF LICENSE.

12 (8) NOT MORE THAN ONE CLASS B SERVICE BAR (SB) LICENSE  
13 MAY BE ISSUED IN ANY ONE ELECTION DISTRICT PER YEAR.

14 (9) A CLASS B SERVICE BAR (SB) LICENSE MAY NOT BE ISSUED  
15 FOR USE ON PREMISES OR A LOCATION FOR WHICH ANY ON-SALE LICENSE HAS  
16 BEEN ISSUED WITHIN 2 YEARS BEFORE THE APPLICATION FOR THE CLASS B  
17 SERVICE BAR (SB) LICENSE IS FILED.

18 (10) ANY PERSON, INCLUDING AN INDIVIDUAL OR SOLE  
19 PROPRIETORSHIP, PARTNERSHIP, CORPORATION, UNINCORPORATED  
20 ASSOCIATION, AND LIMITED LIABILITY COMPANY, MAY NOT HAVE A DIRECT OR  
21 INDIRECT INTEREST AS DEFINED IN § 9-102(B-3B) OF THIS ARTICLE IN MORE  
22 THAN ONE CLASS B SERVICE BAR (SB) LICENSE.

23 (E) THE ANNUAL FEE FOR A CLASS B SERVICE BAR (SB) BEER AND  
24 WINE LICENSE ISSUED UNDER THIS SECTION IS \$5,000.

25 (F) (1) WHEN A LICENSE IS TRANSFERRED FROM ELECTION  
26 DISTRICT 15 TO ANOTHER ELECTION DISTRICT UNDER THIS SECTION, THE  
27 LICENSE MAY NOT BE CONSTRUED TO EXIST IN ELECTION DISTRICT 15.

28 (2) SUBJECT TO THE 25% ALLOWANCE AUTHORIZED IN  
29 SUBSECTION (B) OF THIS SECTION, A LICENSE TRANSFERRED UNDER THIS  
30 SECTION SHALL BE CONSIDERED BY THE BOARD OF LIQUOR LICENSE  
31 COMMISSIONERS AS A REGULAR LICENSE AND NOT AN EXCEPTION LICENSE FOR  
32 DETERMINING THE TOTAL NUMBER OF LICENSES AVAILABLE IN ANY ELECTION  
33 DISTRICT BASED ON THE RULE OF THE BOARD OF LIQUOR LICENSE  
34 COMMISSIONERS THAT LIMITS THE TOTAL NUMBER OF LICENSES AVAILABLE BY  
35 POPULATION.

1 ~~8-204.8.~~ 8-204.9.

2 (A) THIS SECTION APPLIES ONLY IN BALTIMORE COUNTY.

3 (B) THE BOARD OF LIQUOR LICENSE COMMISSIONERS:

4 (1) SHALL CONVERT A CLASS D LICENSE THAT IS TRANSFERRED  
5 FROM ELECTION DISTRICT 15 TO ANY OTHER ELECTION DISTRICT TO A CLASS  
6 B LICENSE; AND

7 (2) MAY NOT THEREAFTER TRANSFER THE CLASS B LICENSE  
8 FROM THE LICENSED PREMISES OR CONVERT THE LICENSE TO ANOTHER CLASS  
9 OF LICENSE.

10 (C) THE BOARD OF LIQUOR LICENSE COMMISSIONERS MAY NOT  
11 TRANSFER FROM A LICENSED PREMISES OR CONVERT A LICENSE TO ANOTHER  
12 CLASS OF LICENSE:

13 (1) A NEW LICENSE ISSUED BY THE BOARD BASED ON AN  
14 INCREASE IN POPULATION UNDER THE RULE OF THE BOARD LIMITING THE  
15 TOTAL NUMBER OF LICENSES AVAILABLE BY POPULATION; AND

16 (2) A LICENSE THAT HAS BEEN REVOKED AND REISSUED BY THE  
17 BOARD.

18 9-101.

19 (a) A license may not be issued to a partnership, to a corporation, or to a  
20 limited liability company, but only to individuals authorized to act for a partnership,  
21 corporation, or limited liability company who shall assume all responsibilities as  
22 individuals, and be subject to all of the penalties, conditions and restrictions imposed  
23 upon licensees under the provisions of the Tax – General Article that relate to the  
24 alcoholic beverage tax and the provisions of this article. If the application is made for a  
25 partnership, the license shall be applied for and be issued to all the partners as  
26 individuals, all of whom shall have resided in the city or county in which the place of  
27 business is located for at least 2 years prior to the application.

28 (1) (i) [Subject to subparagraph (ii) of this paragraph, in Baltimore  
29 and] IN Montgomery [counties] COUNTY, if the application is made for a partnership,  
30 the license shall be applied for and issued to at least 2 general partners as individuals,  
31 at least one of whom is a registered voter of the county where the application is made  
32 and resides there at the time of the application. If there is only one general partner,  
33 the license shall be issued to that partner as an individual, if that partner is a  
34 registered voter of the county where the application is made and resides there at the  
35 time of application.

1 (ii) 1. In Baltimore County, **IF THE APPLICATION IS MADE**  
 2 **FOR A PARTNERSHIP, THE LICENSE SHALL BE APPLIED FOR AND ISSUED TO AT**  
 3 **LEAST TWO GENERAL PARTNERS AS INDIVIDUALS, AT LEAST ONE OF WHOM IS A**  
 4 **REGISTERED VOTER OF ANY COUNTY OF THE STATE OR OF THE CITY OF**  
 5 **BALTIMORE AND RESIDES THERE AT THE TIME OF APPLICATION.**

6 2. **IF THERE IS ONLY ONE GENERAL PARTNER, THE**  
 7 **BOARD OF LIQUOR LICENSE COMMISSIONERS SHALL ISSUE THE LICENSE TO**  
 8 **THAT PARTNER AS AN INDIVIDUAL, IF THE PARTNER IS A REGISTERED VOTER**  
 9 **OF ANY COUNTY OR OF THE CITY OF BALTIMORE AND RESIDES THERE AT THE**  
 10 **TIME OF THE APPLICATION.**

11 3. [~~the~~] **THE** provisions of this [~~paragraph~~]  
 12 **SUBPARAGRAPH** may not be construed to waive any of the requirements under §§  
 13 9–102, 9–102.2, and 9–301 of this article.

14 9–102.

15 (b–3B) (1) Notwithstanding any other provision of this section or §  
 16 8–204(l) of this article, in Baltimore County, an individual or a sole proprietorship,  
 17 partnership, corporation, unincorporated association, or limited liability company in  
 18 the county, may obtain a direct or indirect interest in:

19 (i) Not more than [~~six~~] **12** Class B (on–sale — hotels and  
 20 restaurants) beer, wine and liquor licenses under this article; or

21 (ii) If one of the restaurants for which a license is issued is  
 22 located in the Liberty Road Commercial Revitalization District in accordance with  
 23 subsection (b–3C) of this section, not more than [~~seven~~] **13** Class B (on–sale — hotels  
 24 and restaurants) beer, wine and liquor licenses under this article.

25 (2) For an applicant to obtain a license under this subsection:

26 (i) The applicant shall apply in the regular manner and pay the  
 27 usual fee; and

28 (ii) The restaurants for which the licenses are sought shall:

29 1. Meet the requirements of the rules and regulations of  
 30 the Board of License Commissioners regarding the availability and issuance of  
 31 licenses;

32 2. Meet the definition requirements of “restaurant”  
 33 established under the regulations of the Board of License Commissioners;



1 (iii) In Carroll County, in addition to the applicant's residential  
 2 statement required under this section, the license shall remain valid only for as long  
 3 as the resident applicant remains a resident of the county;

4 (IV) IN BALTIMORE COUNTY, A STATEMENT THAT THE  
 5 APPLICANT HAS BEEN FOR 2 YEARS NEXT PRECEDING THE FILING OF THE  
 6 APPLICATION A RESIDENT OF THE STATE.

7 (18) (i) A certificate signed by at least ten citizens who are owners  
 8 of real estate and registered voters of the precinct in which the business is to be  
 9 conducted, stating the length of time each has been acquainted with the applicant, or  
 10 in the case of a corporation with the individuals making the application; that they  
 11 have examined the application of the applicant and that they have good reason to  
 12 believe that all the statements contained in this application are true, and that they are  
 13 of the opinion that the applicant is a suitable person to obtain the license. The  
 14 certificate must have a statement that the signers of it are familiar with the premises  
 15 upon which the proposed business is to be conducted, and that they believe the  
 16 premises are suitable for the conduct of the business of a retail dealer in alcoholic  
 17 beverages.

18 (ii) [In Baltimore County, persons who are owners of real estate  
 19 and registered voters of Baltimore County and who reside within 1 mile of the  
 20 premises for which a license is sought shall be those persons signing the certificate.

21 (iii)] In St. Mary's County, persons who are owners of real estate  
 22 within 5 miles of the premises for which a license is sought and registered voters of St.  
 23 Mary's County shall be those persons signing the certificate.

24 [(iv)] (III) [This] THE certificate REQUIRED BY  
 25 SUBPARAGRAPH (I) OF THIS PARAGRAPH is not necessary for applications filed in  
 26 Dorchester County, Prince George's County, Montgomery County [and], Anne Arundel  
 27 County, AND BALTIMORE COUNTY.

28 10-104.

29 [(e) In Baltimore County, the certificate shall be signed by at least 10 citizens  
 30 who shall be owners of real estate within 1 mile of the location of the proposed  
 31 business and registered voters of Baltimore County.]

32 SECTION 2. AND BE IT FURTHER ENACTED, That on and after the effective  
 33 date of this Act, the Baltimore County Board of ~~Licenses~~ LIQUOR LICENSE  
 34 Commissioners shall allow a reduction of 20% of the required square footage  
 35 applicable to office buildings and shopping centers in the rule of the Board of License  
 36 Commissioners that limits the total number of licenses available by population and  
 37 other issues related to the distribution of liquor licenses in the county.

## HOUSE BILL 737

1 SECTION 3. AND BE IT FURTHER ENACTED, That not later than June 15,  
 2 2016, the County Executive for Baltimore County shall appoint a task force to examine  
 3 further reductions in the rule of the Board of Liquor License Commissioners that  
 4 limits the total number of licenses available by population and other issues related to  
 5 the distribution of alcoholic beverages licenses in Baltimore County.

6 SECTION 4. AND BE IT FURTHER ENACTED, That §§ ~~8-204.3(d)(1), (2), and~~  
 7 ~~(3)~~ 8-204.3(d)(3) and (e), 8-204.4(d), 8-204.5(d), and 9-102(b-3B)(2)(ii) and (b-3C)(1),  
 8 as enacted by Section 1 of this Act, shall be construed to apply retroactively and shall  
 9 be applied to and interpreted to affect restaurants for which alcoholic beverages  
 10 licenses have been issued or are sought.

11 SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That this Act is an  
 12 emergency measure, is necessary for the immediate preservation of the public health  
 13 or safety, has been passed by a yea and nay vote supported by three-fifths of all the  
 14 members elected to each of the two Houses of the General Assembly, and shall take  
 15 effect from the date it is enacted.

Approved:

---

Governor.

---

Speaker of the House of Delegates.

---

President of the Senate.